

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
December 2008**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
BBR, LLC Spirit Lake (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Motion for Leave to Amend Order Granting Leave Amended and Substituted Petition Trial Date	9/19/06 4/18/07 6/12/07 6/18/07 6/18/07 9/16/08
Bulk Petroleum Corporation 28 Sites (1) (6)	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	Referred Petition Filed Trial Date Amended Petition Trial Date	6/19/06 2/01/07 10/01/08 9/24/08 3/30/09
Cargill, Inc.; Mort's, Inc. Iowa Falls (2) UPDATED	Solid Waste Wastewater	Illegal Disposal; Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Cargill Consent Decree (\$100,000/Civil; Injunction) Mort's Consent Decree (\$5,000/Civil; Injunction)	11/14/06 3/10/08 3/10/08 11/03/08
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Creston Bean Processing, LLC Creston (4)	Air Quality	Operational Violations; Monitoring/Reporting	Referred to Attorney General	Referred	9/04/07
Dallas Pork, et. al. Dallas Co. (5) UPDATED	Animal Feeding Operation	EPC and IDNR Defendants	Defense	Petition Filed Consent Decree Motion to Intervene Motion to Set Aside Consent Decree State's Resistance	10/14/08 10/14/08 11/04/08 11/04/08 11/14/08
Des Moines, City of; Metropolitan WW Reclamation Authority (5)	Wastewater	Compliance Schedule	Referred to Attorney General	Referred	8/15/06
De Vos, Harold and Sharon Rock Rapids (3)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Operation Without Permit	Order	Referred Petition Filed Motion for Partial Summary Judgment Hearing on Motion Proposed Ruling by State Ruling Granting Partial Summary Judgment Trial on Civil Penalties Ruling (\$88,000/civil; injunction)	9/19/06 1/23/07 6/08/07 7/09/07 8/10/07 9/24/07 2/19/08 8/14/08
Dudden, Kyle Reinbeck (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	10/4/08

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Environmental Recycling Co., Inc. Dwight Oglesbee Masena (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed Motion to Compel Order Granting Motion to Compel Trial Date	12/05/06 9/20/07 6/05/08 7/28/08 1/14/09
Equitable L.P/The Equitable Condos Des Moines (5)	Air Quality	Asbestos	Referred to Attorney General	Referred	3/11/08
Feinberg Metals Recycling Corp., Ft. Madison (6)	Solid Waste Wastewater	Operation Without Permit; Illegal Disposal; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	3/06/07
Flying J, Inc.; CFJ Plaza Co. II, LLC; and CFJ Properties Clive (5)	Underground Tank Wastewater	Remedial Action; Prohibited Discharge; Pollution Prevention Plan Violations	Referred to Attorney General	Referred	11/07/07
Kay, Todd Buena Vista Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Referred to Attorney General	Referred	5/13/08
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05 9/12/05 12/7/05
Lincolnway Energy, Inc. Nevada (5)	Wastewater	Discharge Limits	Referred to Attorney General	Referred	12/04/07

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Matrix Metals d/b/a Keokuk Steel Castings, Co. Keokuk (6)	Air Quality	Particulate	Referred to Attorney General	Referred	9/04/07
Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred Petition Filed Trial Date	2/20/06 12/11/06 11/19/08
Oakland Foods, LLC Oakland (4)	Wastewater Air Quality	Permit Violations; Construction Without Permit	Referred to Attorney General	Referred	3/11/08
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty Site Clean-up Completed	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04 1/05/05 8/15/06
River Bluff Resort, LLC; C.J. Moyna & Sons, Inc.; P.A. McGuire Construction McGregor (1)	Wastewater	Stormwater – Pollution Prevention Plan Violations; Water Quality Violations – General Criteria	Referred to Attorney General	Referred Tax Sale by County Petition Filed	4/03/07 6/18/07 4/15/08
Roquette America, Inc. Keokuk (6)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/19/06

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date Contempt Hearing Order Finding Defendant in Contempt \$3,000 Fine Amended Petition Order Granting Judgment on Default (\$10,000/civil; injunction)	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05 8/05/05 8/05/05 1/31/06 1/04/08
Sharkey, Dennis Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/03/07 9/20/07
Siouxland Energy & Livestock Coop Sioux Center (3)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/04/07
Sioux Pharm, Inc. Sioux County (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	3/11/08
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Ruling Dismissing Damage Claims State's Motion for Summary Judgment Order Granting Continuance Hearing on Summary Judgment State's Supp. Reply to Plaintiff's Resistance to Motion for Summary Judgment Ruling Denying Motion for Summary Judgment Application for Interlocutory Appeal Memorandum in Support of Interlocutory Appeal Application Denied Motion for Separate Trial Hearing on Motion for Separate Trial Order Granting Separate Trial Trial Brief Reply Brief Trial Date Ruling for State Application for Interlocutory Appeal Supreme Court Order Denying Interlocutory Appeal	12/06/04 1/10/05 3/07/05 5/17/05 2/27/06 3/20/06 5/01/06 6/19/06 10/04/06 11/03/06 11/03/06 1/08/07 1/22/07 3/05/07 3/14/07 4/06/07 4/13/07 4/16/07 9/17/07 10/18/07 1/29/08

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
December 2008**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Welch Oil, Inc.; Boondocks USA, Inc. Lucas Co. (2)	Wastewater; Drinking Water	Monitoring/Reporting	Referred to Attorney General	Referred	12/04/07
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Contempt Application Filed Contempt Hearing Ruling on Contempt Application (90 days jail suspended/\$500 fine) Compliance Hearing Compliance Hearing Compliance Hearing Date Compliance Hearing Compliance Hearing Date Compliance Hearing Date	4/03/07 9/21/07 9/21/07 11/05/07 11/29/07 2/18/08 4/27/08 5/28/08 6/30/08 8/04/08 9/08/08 12/05/08

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period October 1, 2008 through October 31, 2008, 7 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '08	7(10)	1.374	0.004	2	0(0)
November '07	8(3)	3.697	0.027	3	0(0)
December '07	9(11)	0.365	0.048	2	0(0)
January '08	6(7)	0.725	0.001	0	0(0)
February '08	11(34)	0.280	0.255	2	0(0)
March '08	13(14)	0.464	0.047	4	0(0)
April '08	7(22)	0.736	0.221	3	0(0)
May '08	13(8)	0.389	0.107	3	0(0)
June '08	3(11)	0.281	0.367	2	0(0)
July '08	12(14)	0.132	0.197	4	0(0)
August '08	9(8)	0.401	0.043	2	0(0)
September '08	11(18)	0.175	0.005	2	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	2	1	1	3

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
December, 2008**

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	4/09/07 – Internal meeting with DNR management set for 4/12/07. 5/09/07 – Clark calls Vens’ attorney and extends settlement offer. Attorney agrees to inform client and get back to Dept. with response. 5/16/07 – Response from Vens’ attorney indicating qualified agreement with settlement offer pending an inspection by DNR staff.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Hearing set for 12/04/07. 11/27/07 – DNR files motion for default entry. 12/21/07 – Default entry/Proposed Decision. No appeal
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal. 6/26/07 – Appeal resolved. Facility connected to City WWTF. Consent order to be issued.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	6/6/07 - Dept. letter to Mr. Holland indicating case will be sent to DIA if settlement not reached by 6/22/07. 6/14/07 – Phone call from Mr. Holland. Tentative settlement pending receipt of swine depopulation history.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	2/2/07 – Draft Consent Order sent to attorney for new owner. 6/19/07 – Clark sends email concerning issues at other former Swine USA operations acquired by Whitestone. 6/27/07 – Whitestone attorney responds with general agreement to settlement but needs to confirm with client.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating before filing..

* These cases were previously assigned to Mike Murphy.

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ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
December, 2008**

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/07/06	Washington County (Permittee: Riverside Casino)	6	Water Use Permit	WR	Clark	Negotiating before filing.
8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/08/07	Cargill (Eddyville) 02-A-393-S3, 02-A-394-S2, 02-A-395-S2, 02-396-S3, 05-A-930, 05-A-931	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/09/07	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
1/11/07	Clow Valve Company (20 Permits)	5	Permit Conditions	AQ	Preziosi	Settled. Appeals withdrawn.
6/13/07	Crossroads Cattle Co.; John Reisz	4	Permit Conditions	WW	Clark	Negotiating before filing.
6/25/07	Rick Onken		Permit Conditions	WW	Clark	Negotiating before filing.
8/10/07	Tate & Lyle Ingredients Americas	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/10/07	Port Louisa Land Co.; E. A. Hicklin	6	Variance Denial	FP	Clark	Negotiating before filing.
9/25/07	Winneshiek County Conservation Board (Kendallville Park)	1	Permit Revision	WS	Hansen	Negotiating before filing.
11/05/07	Twin Knolls 6 th Addition	1	Permit Conditions	WS	Hansen	Negotiating before filing.
11/15/07	Alcoa	6	Permit Conditions; Permit # 97-A-140-S2	AQ	Preziosi	Negotiating before filing.
11/15/07	Alcoa	6	Permit Conditions; Permits #85-A-067P-S2; #87-A-045P-S2; #89-A-177P-S2	AQ	Preziosi	Negotiating before filing..
11/15/07	Gary West		Permit Denial	AFO	Clark	Negotiating before filing.
1/14/08	Alliant Energy	1	Permit Conditions	AQ	Preziosi	Negotiating before filing..
1/22/08	Des Moines County Regional Solid Waste Commission	6	Permit Condition; #29-SDP-01-76P	SW	Tack	Negotiating before filing.
2/22/08	Cliff's Place	1	Order/Penalty	WS	Hansen	Negotiating before filing. To be set for DIA hearing.
2/26/08	Bell Air Betterment Corporation	3	Permit Condition	WS	Hansen	11/12/08- Letter sent to ALJ by Bel Air withdrawing appeal..

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**DEPARTMENT OF NATURAL RESOURCES
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CONTESTED CASES
December, 2008**

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3/10/08	Anthony Herman; Mighty Good Used Cars	5	Order/Penalty	WW	Tack	Negotiating before filing.
4/22/08	Environmental Reclamation and Recycling, LLC	5	Permit Rescission	SW	Tack	Sent to DIA to be set for hearing..
4/25/08	ADM (07-A-1078P, 07-A-1079P and 07-A-1080P)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/28/08	South Central Iowa Landfill Agency	5	Permit Conditions	SW	Tack	Negotiating before filing.
5/05/08	Environmental Reclamation and Recycling LLC	5	Order	SW	Tack	Negotiating before filing.
5/15/08	Brush & Weed Control Specialists, Inc. and New Farmers Drainage District	4	Order/Penalty	WW	Wornson	Hearing scheduled for 11/07/08.
5/20/08	Page County Sanitary Landfill	4	Permit Conditions	SW	Tack	Negotiating before filing.
6/02/08	Ray Griffin	6	Order/Penalty	AQ/SW/ WW	Tack	Negotiating before filing.
7/02/08	Phoenix C&D Recycling, Inc.; R&A Properties	5	Permit Rescission	SW	Tack	Negotiating before filing.
9/03/08	Build to Suit, Inc.	6	Permit Denial (Davenport/Bettendorf)	WW	Tack	Permit issued. Case closed.
9/03/08	Dial Land Development	6	Permit Denial (Davenport/Bettendorf)	WW	Tack	Permit issued. Case closed.
10/01/08	Green Brier Subdivision	1	Permit Conditions	WS	Hansen	Negotiating before filing.
10/13/08	Sivyer Steel Corporation		Beneficial Use Denial	SW	Tack	Negotiating before filing.
10/14/08	Edna Richman	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
10/15/08	SSAB Iowa Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/16/08	James D. Olchefski; Hidden Valley Mobile Home Park	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
10/16/08	Robert A. Nicholson; Hidden Valley Mobile Home Park	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.

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DATE: December, 2008

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number Date	Program	Alleged Violation	Action	
Wes and Jaci Vande Krol, Lynnville (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$1,500	10/22/08
Westrum Farms, Inc. Stratford (2)	Animal Feeding Operation	Prohibited Discharge – Confinement	Consent Order \$5,500	10/22/08
Bedrock Gravel, Inc.; Blake Wirtjers; Buster Wirtjers; and James Wirtjers, Buena Vista Co. (3)	Air Quality Solid Waste	Open Burning; Illegal Disposals	Consent Amendment \$5,000	10/20/08
Red Barn Acres, LLC Humboldt Co. (2)	Animal Feeding Operation; Air Quality; Solid Waste	Prohibited Discharge – Confinement; Open Burning; Illegal Disposal	Consent Order \$4,000	10/29/08
Mahaska Rural Water System; City of Rose Hill (5)	Wastewater	Operation Without Permit; Operation Violations	Consent Order \$1,000	11/06/08
The Iowa Conference of the United Church of Christ; Our Sacred Space, Inc. (Montour)	Wastewater	Operation Without Permit; Operation Violations	Consent Order \$2,000	11/06/08
Kyuncheeyon, LLC; Sleep Inn Motel, Brooklyn (5)	Wastewater	Operation Without Permit; Operation Violations	Order/Penalty \$2,000	11/06/08
Ripley, Inc.; Clearview Mobile Home Park, Muscatine (6)	Wastewater	Operation Violations	Consent Order	11/06/08
Axmear Pumping, LLC Blairstown (1)	Animal Feeding Operation	Water Quality Violations	Consent Order \$5,000	11/06/08
Ray Griffin Richland (6)	Solid Waste; Wastewater	Prohibited Discharge; Leachate Control; Other Violations	Consent Order Amendment \$2,500	11/06/08
A'Hearn Plumbing and Heating, Hiawatha (6)	Air Quality	Asbestos Removal	Consent Order \$700/\$1,400 SEP/\$1,400 Training	11/12/08

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT

December, 2008

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	ARC #	RULES REVIEW COMMITTEE	HEARING	COMMENT PERIOD	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	ARC #	COMMITTEE	RULES REVIEW EFFECTIVE	RULE
1. Ch. 20, 23 – AQ Program Rules	10/14/08	11/05/08	7306B	*12/10/08	*12/08/08	12/09/08	*1/13/09	*1/13/09	*2/11/09			*3/09/09	*3/18/09
2. Ch. 22 – Controlling Pollution – Title V Fee Cap	9/09/08	10/08/08	7220B	11/04/08	11/12/08	11/13/08	12/09/08	*12/09/08	*12/31/08			*1/06/09	*2/04/09
3. Ch. 23 -- Air Quality Program Rules – Rescission of Vacated NESHAPS	11/10/08	*12/03/08		*12/10/08	*1/06/09	*1/06/09	*2/10/09	*2/10/09	*3/12/09			*4/09/09	*4/15/09
4. Ch. 50, 55 – Water Use and Application Permit Fees – Scope of Division – Definitions - Forms-Rules of Practice	10/14/08	11/05/08	7307B	*12/10/08	12/3,5,11/09	12/12/08	*2/10/09	*2/10/09	*3/11/09			*4/09/09	*4/15/09
5. Ch. 60, 62, 63 and 64 – Wastewater Rules	8/19/08	9/10/08	7152B	10/14/08	10/7-9/08	10/10/08	*1/13/09	*1/13/09	*2/11/09			*3/09/09	*3/18/09
6. Ch. 61 – Antidegradation Policy and Implementation Procedures	10/14/08	11/19/08		*12/10/08	*12/15,17,18 *1/14,15/09	*1/29/09	*2/10/09	*2/10/09	*3/11/09			*4/09/09	*4/15/09
7. Ch. 64, 69 – Wastewater General Permit #4; Wastewater Construction and Operation Permit	10/14/08	11/05/08	7308B	*12/10/08	*12/2-4/08	*12/05/08	*1/13/09	*1/13/09	*2/11/09			*3/09/09	*3/18/09
8. Ch. 101 – Solid Waste Comprehensive Planning Requirements	10/14/08	11/05/08	7310B	*12/10/08	11/25/08	11/25/08	*1/13/09	*1/13/09	*2/11/09			*3/09/09	*3/18/09
9. Ch. 113 – Sanitary Landfills for Municipal Solid Waste; Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes	5/13/07	6/04/08	6828B	6/10/07	7/10/08	7/08/08	*12/09/08	*12/09/08	*12/31/08			*1/06/09	*2/04/09
10. Ch. 119 – Waste Oil	9/09/08	10/08/08	7219B	*11/04/08	*10/28/08	*10/28/08	*12/09/08	*12/09/08	*12/31/08			*1/06/09	*2/04/09
11. Ch. 135 – UST Rules -- Assessment of Risk to Public Water Supply Wells	11/10/08	12/03/08		*12/10/08	*1/06/09	*1/06/09	*2/10/09	*2/10/09	*3/11/09			*4/09/09	*4/15/09

* Projected

Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period October 1, 2008, through October 31, 2008, 15 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (10)	2 (1)	8 (5)	1 (1)	2 (2)	10 (8)	4 (1)	0 (0)	0 (0)	3 (2)
November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	15 (10)	2 (1)	8 (5)	1 (1)	2 (2)	10 (8)	4 (1)	0 (0)	0 (0)	3 (2)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office this Period:

1	2	3	4	5	6
3	4	5	1	0	2

Environmental Services Division

Variance Report

11/18/2008

Monthly Variance Report October 2008						
Item No.	Facility/City	Program	DNR Reviewer	Subject	Decision	Date
1	Michels Corporation	Air Quality	Bryan Bunton	Variance to use a portable air compressor on a temporary basis.	Approved	10/1/2008
2	Behr Mason City	Air Quality	Bryan Bunton	Variance to operate auto shredder outside of permitted time frames.	Approved	10/1/2008
3	Northern Natural Gas Company	Air Quality	Dennis Thielen	Variance to operate a temporary auxiliary generator.	Approved	10/3/2008
4	Monsanto - Muscatine	Air Quality	Reid Bermel	Variance to conduct a temporary filter trial run without obtaining a construction permit.	Approved	10/16/2008
5	Oskaloosa Municipal Water	Water Supply	Taroon Veerabhadra	Variance request from water quality testing - Well 34 & #35.	Approved	10/17/2008
6	Xethanol Biofuels LLC	Air Quality	Reid Bermel	Variance to conduct a trial run using recycled paper waste to produce ethanol without modifying construction permits.	Approved	10/20/2008
7	Mid Co Water - Glenn Oaks Addition	Water Supply	Taroon Veerabhadra	Variance for use of Non-ASME pressure tanks & reduction in storage capacity.	Approved	10/17/2008
8	ICM - Lincolnway Energy	Air Quality	Bryan Bunton	Variance to Utilize a Sodium Bicarbonate Supersack system.	Approved	10/23/2008
9	Absolute Energy	Air Quality	Bryan Bunton	Variance request to install a temporary 4000,000 grain storage pile.	Approved	10/24/2008
10	Absolute Energy	Air Quality	Bryan Bunton	Variance request to install a temporary 600,000 grain storage pile.	Approved	10/24/2008
11	Howard H Cherry Scout Reservation	Water Supply	Taroon Veerabhadra	Variance to install non-ASME certified hydropneumatic pressure tanks.	Approved	10/30/2008
12	CORN LP	Air Quality	Bryan Bunton	Variance to allow for combined Flyash & Spent Limestone loadout.	Approved	10/28/2008
13	City of Spencer	Land Quality	Chad Stobbe	Financial Assurance Requirements.	Approved	10/29/2008
14	City of Promise City	Waste Water Construction	Satya Chennupati	Variance requests for multiple chapters 12 Min. sewer size,manhole spacing,directional boring-Approved, CH. 13 pump clogging protection - Denied , CH. 18 number of logoon cells, pond influent piping & discharge, pond level gauages-Approved.	Approved /	10/30/2008
15	Mitchell Co Bd of Supervisors	Air Quality	Dennis Thielen	Variance to open burn wood pallets.	Denied	10/31/2008

Iowa Department of Natural Resources Environmental Services Division Report of Hazardous Conditions

During the period October 1, 2008, through October 31, 2008, 82 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance				Mode				
		Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	82 (63)	4 (5)	59 (38)	19 (20)	17 (19)	49 (27)	3 (3)	3 (1)	0 (3)	10 (10)
November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	82 (63)	4 (5)	59 (38)	19 (20)	17 (19)	49 (27)	3 (3)	3 (1)	0 (3)	10 (10)

(numbers in parentheses for same period last year)

*Other includes dumping, theft, vandalism and unknown.

Total Number of Incidents Per Field Office this Period:

1	2	3	4	5	6
9	26	9	9	12	17

IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU

DATE: December 1, 2008
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	7,486	3-15-96
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
James Harter (Fairfield)	WW	1,483	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	108	3-08-02
Charlotte Caves (Oskaloosa)	HC	9,487	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Emer Carlson (Fairfield)	AQ	500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	477	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04

*Payment Schedule

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,474	2-03-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Jeff Albrecht (Humboldt Co.)	AQ	350	5-06-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000	6-29-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Larry Bergen (Worth Co.)	AQ/SW	757	11-01-06
Mobile World, LC; R. Victor Hanks (Clinton Co.)	WW	22,500	4-01-07
Edward Branstad; Monroe "Monty" Branstad (Forest City)	AQ	4,500	4-16-07
Colleen Weber (Mitchell Co.)	AQ/SW	1,500	6-01-07
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	7-18-07
# Doug Orwig Site #1 (Dickinson Co.)	AFO	3,500	10-01-07
# Leland Van Kooten; Darin Van Kooten (Leighton)	AFO	5,500	12-30-07
Mark Witt; Witt Auto Salvage (Monroe Co.)	SW/WW	8,000	1-15-08
# Joshua Van Der Weide (Lyon Co.)	AFO	3,500	2-25-08
Clinton Community School District	WW	3,000	2-25-08
Mike Barrett; Jody Barrett (Polk Co.)	SW	6,200	3-05-08
William Norton (Cedar Co.)	WW	2,500	5-07-08
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	4,000	6-01-08
# Doug Osweiler (South English)	AFO	5,000	6-01-08
# Edward Dale Klyn (Wayne Co.)	AFO	5,000	6-28-08
Karl Molyneux (What Cheer)	AQ/SW	2,500	7-19-08
Chad Hoppe; Steve Hoppe; Shady Acres MHP, (Chickasaw Co.)	WW	4,000	8-27-08
# Maple Grove Farms, LLC (Plymouth Co.)	AFO	3,500	9-05-08
Promise City, City of	WW	1,400	9-08-08
Rodney Mandernach; Mandernach Pork (Sac Co.)	AFO	4,000	10-23-08
George Kramer (Clinton Co.)	AQ/SW	1,500	11-09-08
J.D. Wollrab; Linn Hollow MHP (Washington Co.)	AQ/SW	1,000	11-15-08
Cottonballs, LLC (Winneshiek/Clayton)	AQ/SW	10,000	11-15-08
Pieper, Inc. (Lee Co.)	AQ	1,250	11-13-08
Jon Knabel (Clinton Co.)	AQ/SW	2,000	12-16-08
Westrum Farms, Inc. (Stratford)	AFO	5,500	12-22-08
# Red Barn Acres, LLC (Humboldt Co.)	AFO/AQ/SW	4,000	11-29-08
Mahaska Rural Water System, Inc.; City of Rose Hill	WW	1,000	12-06-08
Axmear Pumping, LLC (Blairstown)	AFO	5,000	12-06-08
Iowa Conference of the United Church of Christ; Our Sacred Space, Inc. (Montour)	WW	2,000	12-06-08
A'Hearn Plumbing and Heating, Inc. (Hiawatha)	AQ	700	12-12-08
Kyungheeyon, LLC; Sleep Inn Motel (Brooklyn)	WW	2,000	-----
Stuart Yoder (Johnson Co.)	AQ/SW	5,000	-----
TOTAL		410,013	

*Payment Schedule

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

The following penalties have been placed on payment plans:

* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
#*James Boller (Kalona)	AFO	3,034	8-19-04
* Reginald Parcel (Henry Co.)	AQ/SW	110	4-23-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
#*Tony Mertens (Mt. Pleasant)	AFO	2,644	7-20-06
#*Dale Schumann (Buena Vista Co.)	AFO	1,000	8-01-06
#*Galen Drent (Boyden)	AFO	1,510	2-01-07
* Douglas Bloomquist (Webster Co.)	AQ/SW	3,500	12-01-07
* Jack Knudson (Irwin)	UT	10,000	1-15-08
* Fred Knosby (Cumming)	AQ/SW	1,664	3-15-08
* Randy Kennedy; R K Construction & Demolition (Slater)	AQ	1,600	4-15-08
* Craig Burns (Postville)	WW	1,950	4-15-08
* Fred Miller; Earthworks Contracting (Quimby)	AQ	6,720	4-15-08
* Willey, City of	AQ/SW	2,000	6-01-08
* Chelsea, City of	WW	200	6-15-08
#*Atsma Dairy Farms; Richard Atsma (Sioux Co.)	AFP	832	11-15-08
#*Doug Hymbaugh (Ringgold Co.)	AQ/SW	400	10-08-08
#*James Hogan; Hogan Brothers (Jones Co.)	AFO	728	11-01-08
#*Donald Burken, Sr.; Donald Burken, Jr.; L&M Hogs (Clinton)	AFO/WW	2,000	11-01-08
#*Neal Rupiper (Carroll)	AQ/SW		
	AFO	1,312	10-10-08
* Wirtjers Trucking, Inc. (Sac Co.)	AQ/SW	5,000	12-08-08
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)	AFO	7,043	12-11-08
#*Brian Hofmeyer (Sioux Co.)	AFO	3,394	11-15-08
* Hidden Valley MHP; Larry Fishback (Washington)	WW	1,400	9-15-08
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	4,200	10-15-08
#*John Kauffman (Iowa City)	AFO	208	11-20-08
* John Danker (Lee Co.)	AQ/SW	555	11-22-08
#*Loren and Rhonda Van Zante (Eddyville)	AFO	1,750	10-30-08
#*Loren and Rhonda Van Zante (Eddyville)	AFO	2,100	10-30-08
#*Richard Steen; Jeff Behrens (Montgomery Co.)	AFO	7,000	10-19-08
#*Chris Hunt; Steven Hunt; Hunt Bros. Feedlot (O'Brien Co.)	AFO	1,490	3-01-09
#*Meyer Bros.; Steve Meyer (Ida Co.)	AFO	2,812	11-01-08
#*Joe Tomka (Carroll Co.)	AFO	1,750	12-01-08
#*Edward Pechous (Johnson Co.)	AFO	2,250	10-15-08
* Newell, City of	AQ/SW	4,500	4-15-09
	TOTAL	91,227	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Gerald and Judith Vens (Scott Co.)	FP	5,000
Dallas County Care Facility (Adel)	WW	5,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
LeMars, City of	WW	9,000
Cliff's Place (Waverly)	WS	5,800
Anthony Herman; Mighty Good Used Cars (Polk Co.)	WW	7,500
Brush & Weed Control; New Farmers Drainage (Monona Co.)	WW	10,000

*Payment Schedule

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

Ray Griffin; SEMCO (Keokuk Co.)	SW/WW/AQ	2,500
Edna Richman (Wapello Co.)	AQ/SW	3,000
James Olchefski; Hidden Valley MHP (Wapello Co.)	AQ/SW	3,000
Robert A. Nicholson; Hidden Valley MHP (Wapello Co.)	AQ/SW	3,000
TOTAL		60,050

The following administrative penalties have been collected:

NAME/LOCATION	PROGRAM	AMOUNT
Newell, City of	AQ/SW	1,500
#*Atsma Dairy Farms; Richard Atsma (Sioux Co.)	AFP	208
#*John Kauffman (Iowa City)	AFO	208
Mahaska Rural Water System; City of Rose Hill	WW	1,000
Axmear Pumping LLC (Benton Co.)	AFO	5,000
Algona, City of	WW	4,000
# Joe'd, Karen and Jesse Axmear (Keokuk Co.)	AFO	4,000
Luft & Sons, Inc. (Buena Vista Co.)	AQ	1,500
John Bruening; FC Coop (Buena Vista Co.)	AQ/SW	1,000
TOTAL		18,416

**The following penalty payments were collected by the
Department of Revenue during the Month of October**

Jeff Albrecht (Humboldt Co.)	AQ	25
Emer Carlson (Fairfield)	AQ	100
TOTAL		125

Total Penalties Collected	18,541
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*Payment Schedule

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF